

### **REMARKS**

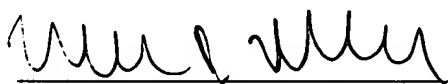
Reconsideration of the application in view of the amended claims and the following remarks is respectfully requested. Claims 1, 3-5 and 7-11 remain pending. Claims 2 and 6 have been canceled. Claims 12-26 remain withdrawn.

#### **Rejections under 35 U.S.C. § 112, first paragraph**

The Examiner had rejected claims 1-11 under 35 U.S.C. § 112, first paragraph on the basis that the specification, while being enabling for soybean hypocotyls and potato branches, does not reasonably provide enablement for any explant of any plant. Applicants respectfully disagree with the position of the Patent Office, but to obtain and expedite the issuance of allowable claims, the claims have been amended to address the rejection raised by the Patent Office. Applicants have introduced into the claims that the explant is a "stem or hypocotyl" and that the resulting chimeric plant is from a "dicotyledonous" plant species. It is believed that this addresses the 35 U.S.C. § 112, first paragraph rejections and that claims 1 3-5 and 7-11 are now in condition for allowance and passage to publication.

In view of the foregoing, it is submitted that the newly amended claims are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested. If the examiner believes that a phone conference with Applicants' representative would advance the application to allowance, she is invited to telephone the undersigned at the number below.

Respectfully submitted,



Thomas P. McBride  
Reg. No. 32, 706  
800 North Lindbergh Boulevard  
Mail Zone E2NA  
St. Louis, Missouri 63167  
(314) 694-5802 (telephone)  
(314) 694-5311 (facsimile)